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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,152	01/19/2001	Masashi Kuno	108402	7627
25944	7590	10/04/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			GRANT II, JEROME	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/764,152

Applicant(s)

KUNO ET AL.

Examiner :

Jerome Grant II

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

JEROME GRANT II  
PRIMARY EXAMINER

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09-30-04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### Detailed Action

1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Rogge.

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With respect to claim 1, Rogge teaches a method (performed by software described at col. 21, lines 28-32) for preparing an upstream profile and a downstream profile, both of which are for being used to process image data for recording images on a recording medium, the upstream profile being used for performing a prior process onto the image data on and the downstream profile being used for performing a subsequent process on the image data already processed by the prior process (see col. 21, lines 7-44 and col. 22, lines 5-62), the method comprising the steps of:

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Preparing a downstream profile (see col. 22, lines 5-21); preparing an upstream profile (col. 20, lines 47-53 and col. 21, lines 1-6) using the prepared downstream profile: and judging, after the downstream profile preparation process (host requests Network to download a file) and before the upstream profile preparation process (network acknowledge the download by preparing network request packets via STX/message/ETX/LRC, whether the downstream profile has been properly prepared, and when it is judged that the downstream profile has been improperly prepared (timer and host/terminal detects a NAK or ENQ character from the network, preventing the upstream profile preparation process from being performed based on the improperly prepared downstream profile (by repeating the application request and returning to step 714.

With respect to claims 2 and 5, see col. 22, lines 49-53.

With respect to claim 3, see col. 22, lines 47-49.

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With respect to claim 4, Rogge teaches storing an upstream or downstream profile in the network or host machines, see figures 1 and 3. Rogge teaches judging after the upstream profile (see col. 20, lines 47-54 and col. 21, lines 1-6, preparation, whether the prepared upstream and down profiles (col. 22, lines 5-21) have been properly prepared, and when it is judged that at least one of the upstream and downstream profiles has been improperly prepared (col. 22, lines 48-49), restoring the

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upstream and downstream profiles to the initial, downstream and upstream provides, see col. 22, lines 5-21.

With respect to claim 6, Rogge teaches after restoring process, the step of restarting the downstream profile preparation process, see col. 22, lines 47-49.

With respect to claim 7, Rogge teaches an apparatus for preparing an upstream profile and a downstream profile and recording images on medium 10 or the storage means in the host/terminal and network, see figures 1 and 3.

Rogge teaches a method (performed by software described at col. 21, lines 28-32) for preparing an upstream profile and a downstream profile, both of which are for being used to process image data for recording images on a recording medium, the upstream profile being used for performing a prior process onto the image data on and the downstream profile being used for performing a subsequent process on the image data already processed by the prior process (see col. 21, lines 7-44 and col. 22, lines 5-62), the method comprising the steps of:

Preparing a downstream profile (see col. 22, lines 5-21); preparing an upstream profile (col. 20, lines 47-53 and col. 21, lines 1-6) using the prepared downstream profile: and judging, after the downstream profile preparation process (host requests Network to download a file) and before the upstream profile preparation process (network

acknowledge the download by preparing network request packets via STX/message/ETX/LRC, whether the downstream profile has been properly prepared, and when it is judged that the downstream profile has been improperly prepared (timer and host/terminal detects a NAK or ENQ character from the network, preventing the upstream profile preparation process from being performed based on the improperly prepared downstream profile (by repeating the application request and returning to step 714.

With respect to claims 8 and 11, Rogge teaches the judging unit (software in terminal/host for controlling the upstream and downstream profile as claimed, thereby preventing the upstream profile preparation unit from performing the preparation (see col. 22, lines 60-62) based on the improperly prepared downstream profile (see reception by Host of NAK and ENQ characters.

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With respect to claims 9 and 12, Rogge teaches preparing a restart according to col. 22, lines 18-49 and 5-20 when the downstream profile is improper.

With respect to claim 10, Rogge teaches a storage unit (memory for storing software located in host terminal device for storing upstream and downstream profiles; and judging, after the downstream profile preparation process (host requests Network to download a file) and before the upstream profile preparation process (network acknowledge the download by preparing network request packets via

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STX/message/ETX/LRC, whether the downstream profile has been properly prepared, and when it is judged that the downstream profile has been improperly prepared (timer and host/terminal detects a NAK or ENQ character from the network, preventing the upstream profile preparation process from being performed based on the improperly prepared downstream profile (by repeating the application request and returning to step 714.

With respect to claim 13, Rogge teaches a storage medium in a manner readable by a computer (software on terminal/host, see col. 21, lines 28-30, having a program for preparing an upstream and downstream profile for recording images on a medium 10, the upstream profile being used for performing a prior process onto the image data and the downstream profile used for performing a subsequent process on the image data already processed comprising: a software program col. 21, lines 28-32 for preparing an upstream profile and a downstream profile, both of which are for being used to process image data for recording images on a recording medium, the upstream profile being used for performing a prior process onto the image data on and the downstream profile being used for performing a subsequent process on the image data already processed by the prior process (see col. 21, lines 7-44 and col. 22, lines 5-62), the method comprising the steps of: preparing a downstream profile (see col. 22, lines 5-21); preparing an upstream profile (col. 20, lines 47-53 and col. 21, lines 1-6) using the prepared downstream profile: and judging, after the downstream profile preparation

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process (host requests Network to download a file) and before the upstream profile preparation process (network acknowledge the download by preparing network request packets via STX/message/ETX/LRC, whether the downstream profile has been properly prepared, and when it is judged that the downstream profile has been improperly prepared (timer and host/terminal detects a NAK or ENQ character from the network , preventing the upstream profile preparation process from being performed based on the improperly prepared downstream profile (by repeating the application request and returning to step 714.

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2.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
J. Grant II  
JEROME GRANT II  
PRIMARY EXAMINER